IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 36505 of 1998

Between:

Ch. Narayana Rao, S/o Padmanabha Sastry,
R/o Thermal Power Station , Ibrahimpatnam ,
Vijayawada , Krishna District.

..... PETITIONER

AND

1 A.P State Electricity Board Rep by Member Secretary,
Vidyut Soudha , Somajiguda ,
Hyderabad.
2 Chief Engineer (operation & Maintenance) A.P State Electricity Board,
Thermal Power Station, Vijayawada ,
Krishna District.
3 Deputy Secretary , Personal Services , A.P State Electricity Board
Vidyut Soudha , Somajiguda ,
Hyderabad.
4 Superintending Engineer (E & M) Thermal Power Station ,
Vijayawada, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus 1) declaring the action of the respondent A.PState electricity Board in not extending the revised scale in the corresponding revised scale SAPP scale -I at Rs. 1650-70-2210-80-3010 with effect from 1-7-1986 and consequential benefits to the petitioners as fixed under rule 9A of B.P Ms. No.927 dt 27-9-88 and Column -III of schedule II as arbitrary , illegal and violative of Articles 14, 16 , and 21 of the constitution of India and 2) consequently direct the respondents to grant the pay scale of Rs.1650-70-2010-80-2010 as per the revised pay scales of 1986 with effect

from 1-7-86 and other consequential pay fixation benefits in terms of B.P Ms. No.927 dt 27-9-88 as also crane operators allowance including all other consequential pay fixation and service benefits to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.W.B.SRINIVAS

Counsel for the Respondent No.: MR.S.RAVINDRANATH

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents-A.P. State Electricity Board in not extending the revised scales of pay corresponding to the scale of S.A.P.P. Scale-I at Rs. 1650-70-2210-80-3010 with effect from 1.7.1986 as arbitrary and illegal and consequently direct the respondents to fix the pay of the petitioner as per B.P. Ms. No. 927, dated 27.9.1988.

The facts are not in dispute. Therefore, there is no necessity of going into the details.

Petitioner, after attaining the age of superannuation retired from service on 31.7.1998. It is his case that as per B.P. Ms. No. 610, dated 9.8.1982, Special Grade Scales for satisfactory completion of 10 years, 15 years and 25 years of service were extended and his pay was also fixed as per B.P. Ms. No. 643, dated 1.7.1986. Further B.P. Ms. No. 927, dated 27/9/1988 was issued re-revising the pay scales as was fixed under B.P. Ms. No.643, dated 1.7.1986. Under B.P. Ms. No. 927 at Schedule II, Item Nio. 22, deals with the equivalent Scale for the scale of Rs.1280-40-1400-50-2000-60-2660 as Rs.1650-70-2210-80-3010. Though, it is clear, it was not extended in case of the petitioners inspite of several representations made by him. Hence, this writ petition.

Though, no counter affidavit is filed, learned counsel for the rspondent stated that the said B.P. Ms. No. 927, dated 27.9.1988 was issued long ago and the petitioner retired from service ten years thereafter, and he could have worked out his remedies as available under the law. Petitioner, having retired from service filed the present writ petition seeking re-revision of the scales as per B.P. Ms.927, dated 27.9.1988, which is not permissible.

I have given my earnest consideration to the respective submissions of the learned counsel on either side and perused the material made available on record.

At the outset, I am of the opinion that the petitioner is entitled for re-fixation of the revised pay scales as per B.P. Ms. No.927, dated 27.9.1988. It may be noticed that B.P. Ms. No.927, dated 29.7.1988 also takes cre of the situation as to the revised pay scales in B.P. Ms. No. 643, dated 1.6.1997, B.P. Ms. No.654, dated 3.6.1987 and B.P. Ms. No. 691. dated 18.6.1997, under which the Pay Scales of the Board Employees was revised with effect from 1.7.1986 and since in the said B.Ps., it was stated that orders in respect of Special Scales will be issued separately and this situation has been taken care of by the present B.P. Ms. No. 927, which reads as under:

“After careful consideration, the A.P. State Electricity Board directs that the Revised Special Grade Scales to the Employees who have completed 10 years of regular service and special adhoc promotion scales to those employees who have no promotional avenues, shall be as indicated in schedules I and II appended to this order.

i. Those orders shall be deemed to have come into force from 1.7.1986.

ii. These orders shall apply to all those Board employes who are governed by the Scheme approved in the B.Ps., 1st to 5th read above and also to those who are covered upto the scale of Rs.2290-80-2770-90-3580 and below.

iii. All the amendments and clarificatory instructions and orders issued in connection with implementation of the scheme introduced in the B.Ps., first to 5th read above shall be applicable to this scheme also unless otherwise specifically ordered by the Board in this regard.

SPECIAL GRADES:

IV. On completion of 10 years regular service which counts for increment, an employee shall be eligible to be placed in the Special Grade Scale indicated in Schedule – I appended to this order.

V. Special Promotion Post Scale-I:

On completion of 15 years regular service which counts for increment, an employee shall be eligible to be placed in the scale of the post next above the post held by him which happens to be the promotion post in the regular line of promotion under the relevant service rules, provided he is fully qualified to be promoted to such promotion post. Provided also that such a post should belong to the regular line and not outside the regular line. This scale shall be called the "SPECIAL PROMOTION POST SCALE-I".

Special Promotion Post Scale –II:

iv. On completion of 22 years regular service which counts for increments, an employe shall be eligible to be placed in the scale applicable to the next promotion scale over the first special promotion post which happens to be the next promotion post to the first level promotion post to the original post held by him under the relevant rules, provided he is fully qualified to hold such promotion post and also that such post should belong to the regular line and not outside the regular line. This scale shall be called "SPECIAL PROMOTION POST SCALE-II". Such of the employees only who have completed 22 years of regular service in a post without getting any promotion shall be considered for appointment of the Special Promotion Post Scale – II. In case, an employee has been promoted to first Promotion Post regularly prior to completion fo 22 years, such employees shall not be entitled to Special Promotion Scale-II.

Special Adhoc Promotion Post Scale-I:

vii) In case an employee is holding a post for which there is no promotion post under the relevant service rules, he shall be eligible to be placed on completion of 15 years, regular service in the scale of pay of Special Adhoc Promotion Post Scale-I corresponding to the ordinary Grade Scale of pay as mentioned in Col.3 of Schedule-II appended to this order. This scale shall be called Special Adhoc Promotion Post Scale-I.

Special Adhoc Promotion Post Scale-II:

viii. In case an employee holding post for which there is no promotion psot under the relevant service rules, he shall be eligible to be placed on completion of 22 years of regular service in the scale of Special Adhoc Promotion Post Scale-II mentioned in Col.4 of Schedule II appended to this order.

Ix(a) In the case of employees who have already completed 10 years and 15 years of regular service and enjoying he special grade scales of pay and special adhoc promotion post scale of pay prior to 1-7-1986, their pay shall be fixed as on 1-7-1986 or on the date of option in the revised Special Grade Scales/Special Adhoc Prmotion Post Scales as indicated in Col.3 of Schedule I and II appended to this order respectively.

b) The principles of Pay Fixation and Option laid down in the A.P. S.E. Board Revised Pay Scales Regulations 1986 appended to B.Ps., 6 to 8th cited shall apply.

c) The pay fo the employees, whose pay has been fixed in the ordinary Revised Scales of Pay, 1986, based on the instructions issued in Board's Memo No. DP/DM(A)/Addl. Sec. I/327/87-1, dated 4-9-1987 shall be refixed in the Special Grade Scales indicated in Col. 3 of Schedule-I appended to this order as on 1-7-1986 or on the date of option as per (b) above and the excess amounts if any already paid shall be recovered".

In view of the above, the contention of the learned counsel for the petitioner that the petitioner is entitled for fixation of his pay as per the re-revised pay scales under B.P. Ms. No.927, dated 27.9.1988 is perfectly justified. No other meaning could be given to B.P. Ms. No.927, in view of the categorical mention that the persons who have already been extended with the revised pay scales under B.P. Ms. No.643, dated 1.7. are also entitled for the benefits under B.P. Ms. No. 927, dated 27.9.1988. In view of the same, action of the respondents in not extending the benefits under B.P. Ms. No. 927, dated 27.9.1988 insptie fo repeated representations made by the petitioner is arbitrary and illegal.

In the result, the writ petition is disposed of directing the respondents to consider re-fixation of the scale of the petitioner in the revised pay scales as per B.P. Ms. No.927, dated 27.9.1988 including Special Adhoc Promotion Scale and pass appropriate orders within a period of three months from the date of receipt of a copy of this order and settle all the dues arising out of the same.

The writ petition is accordingly disposed of. No costs.

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C.V. RAMULU,J

DATE: 20th July, 2005

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